

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

Scot Decker,) MIKE REIS DEPOSITION
Plaintiff,) RULINGS
v.) Case No. 4:14-cv-00088
I.E. Miller Services, Inc., et. al)
Defendants)

The following are the court's rulings with respect to the designations and objections by the parties for the presentation of the deposition testimony of the above-named witness. Unless otherwise stated, the grounds for the objection are set forth in the separate filing by party making the objection.

| Party | Designation | Objection | Ruling | Allowed |
|-------|-------------|--|---|-------------|
| D | 5/5-5/9 | | | 5/5-5/9 |
| D | 7/4-10/18 | Yes as to 9/25-10/18 | Sustained | 7/4-9/24 |
| D | 11/6-15/12 | Yes as to 12/3-15/12 | Sustained Rule 402 and 403 grounds for everything after 11/15 | 11/6-11/15 |
| D | 17/15-18/15 | Yes | Overruled | 17/15-18/15 |
| D | 18/22-20/24 | Yes to 18/22 to 20/3 and 20/6 to 20/24 | Overruled | 18/22-20/24 |
| PCD | 22/03-22/24 | | | 22/03-22/24 |
| D | 23/14-24/15 | | | 23/14-24/15 |
| D | 26/9-28/16 | Yes | Overruled | 26/9-28/16 |

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|-----|-------------|-----|---|-------------|
| PCD | 30/14-31/1 | Yes | Overruled | |
| D | 31/2-35/21 | Yes | Sustained on grounds stated in order re motions in limine and moving from standard procedure to what he would have done and speculation as to what Decker did | |
| D | 36/7-38/23 | Yes | Sustained in part based on pretrial rulings and overruled in part | 37/11-38/23 |
| PCD | 42/5-42/9 | | | 42/5-42/9 |
| D | 42/10-43/3 | Yes | Sustained on lack of personal knowledge and Rule 402-403 | |
| D | 43/21-44/13 | Yes | Sustained for same reasons above | |
| PCD | 44/21-46/1 | | Excluded re pretrial rulings and repetitive | |
| D | 46/5-47/9 | Yes | Sustained re pretrial rulings | |
| D | 48/2-49/19 | Yes | Sustained in part re pretrial rulings and overruled in part | 48/21-49/19 |
| D | 51/21-52/7 | Yes | Sustained lack of foundation, form objection, | |
| D | 54/15-55/15 | Yes | Overruled lay witness with particular knowledge of practice and P has opened door in other questioning of other witnesses | 54/15-55/15 |
| D | 57/22-59/1 | | | 57/22-59/1 |
| D | 60/4-61/13 | Yes | Overruled lay witness with particular knowledge of practice and P has opened door in other questioning of other witnesses | 60/4-61/14 |
| D | 61/24-62/15 | Yes | Sustained | |

| | | | | |
|-----|--------------|---|---|-------------|
| PCD | 64/17-66/15 | | | 64/17-66/15 |
| PCD | 67/11-68/7 | | | 67/11-68/7 |
| PCD | 68/21-69/21 | | | 68/21-69/21 |
| D | 71/10-73/17 | Yes to 71/10 - 72/19, 72/25 to 73/03, and 73/4 to 73/17 | Overruled lay witness with particular knowledge of practice and P has opened door in other questioning of other witnesses | 71/10-73/17 |
| PCD | *72/20-72/24 | | | |
| PCD | 74/21-75/8 | | | 74/21-75/8 |
| | 84/13-85/3 | Yes | Overruled lay witness with particular knowledge of practice and P has opened door in other questioning of other witnesses | 84/13-85/3 |
| D | 87/4-88/6 | Yes | Same as above | 87/4-88/6 |
| | | | | |

IT IS SO ORDERED.

Dated this 14 day of February, 2018.

/s/ Charles S. Miller, Jr.

Charles S. Miller, Jr., Magistrate Judge
United States District Court